NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

7 August 2018

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THROUGH: Office of the DoD Senior Intelligence Oversight Official

SUBJECT: (U) Report to the Intelligence Oversight Board (IOB) on NSA Activities, Second Quarter, Calendar Year 2018 – INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President or otherwise stated in the enclosure, we have no reason to believe that any activity conducted under DIRNSA authority, direction, or control during the period ending 30 June 2018 was unlawful or contrary to Executive Order or Presidential Directive and, thus, should have been reported pursuant to Section 1.6 (c) of Executive Order 12333, as amended. This report summarizes questionable intelligence activities as well as other matters required to be reported to the IOB.

(U//~~FOUO~~) The NSA Intelligence Oversight Officer and the General Counsel continue to exercise oversight of Agency activities focused on achieving compliance with the laws and regulations for protecting privacy during the conduct of Agency operations.

[redacted]
PATRICK J. REYNOLDS
NSA Intelligence Oversight Officer

[redacted] (b) (6)
GLENN S. GERSTELL
General Counsel

(U) I concur with the report of the NSA Intelligence Oversight Officer and the General Counsel and hereby make it our combined report.

Paul M. Nakasone
PAUL M. NAKASONE
General, U.S. Army
Director, NSA/Chief, CSS

Encl:
Quarterly Report

(U) This document may be declassified and marked "UNCLASSIFIED//FOR OFFICIAL USE ONLY" upon removal of enclosure(s).

Approved for Release by NSA on 06-17-2019, FOIA Case # 105767 (litigation)

~~TOP SECRET//SI//NOFORN~~

(U) NSA SECOND QUARTER CY2018

INTELLIGENCE OVERSIGHT REPORT

Non - Responsive

(b)(3)-P.L. 86-36

Classified By:
Derived From: NSA/CSSM 1-52
Dated: 20180110
Declassify On: ~~20430701~~

Non - Responsive

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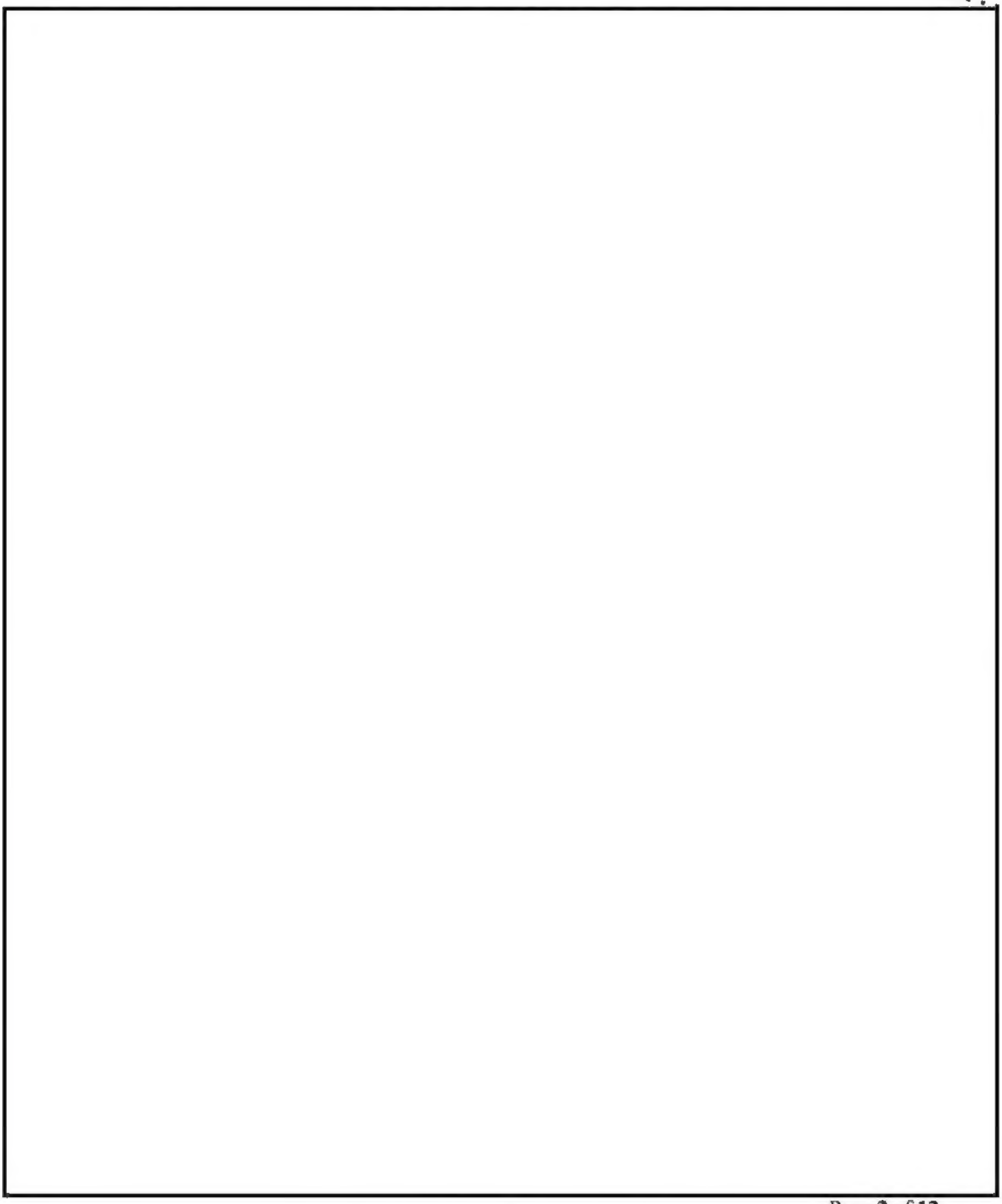

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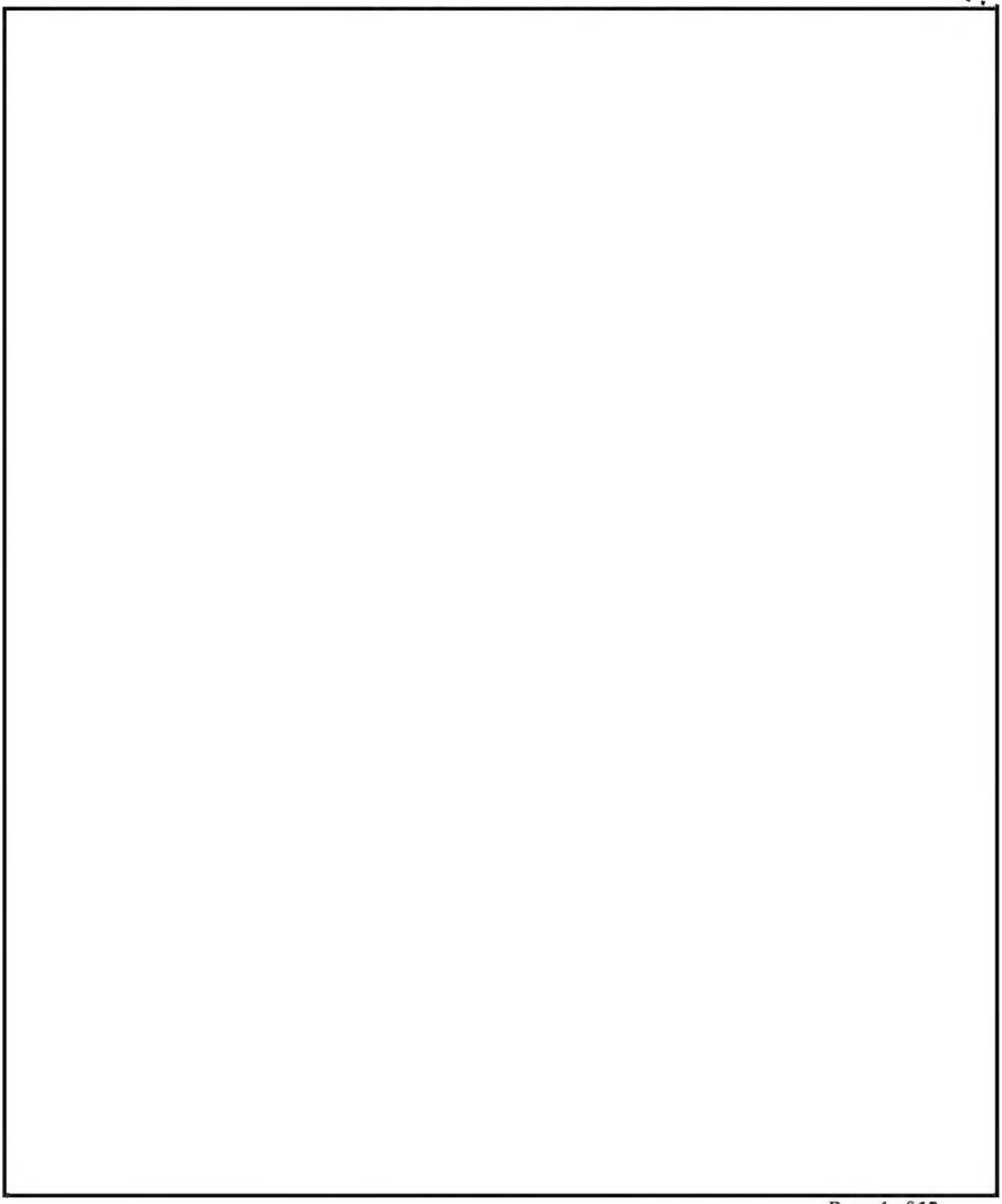

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d. (U) File Number: NSA 2018-007-Q (b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36

(1) (U//~~FOUO~~) Incident Description: Compliance incident regarding call records.

~~(TS//SI//NF)~~ On or about [redacted] a provider [redacted] of call detail records (CDRs) pursuant to USA FREEDOM ACT, 50 U.S.C. Section 1861 informed NSA that its system had been incorrectly [redacted]

~~(TS//SI//NF)~~ On 16 February 2018, NSA technical analysts examining [redacted] targeted production of CDRs observed an anomaly [redacted] At that time, NSA continued to receive the provider's productions, but ceased making new requests and forwarding CDRs produced by the provider to NSA corporate repositories accessible by intelligence analysts. The provider later confirmed some of the records produced contained inaccurate information. Investigation revealed that NSA relied upon some of the inaccurate information in connection with requests to the FISC to [redacted] On [redacted] the provider stopped the data flow.

(b)(1)
(b)(3)-50 USC 3024(i)
(b)(3)-P.L. 86-36

(b) (1)
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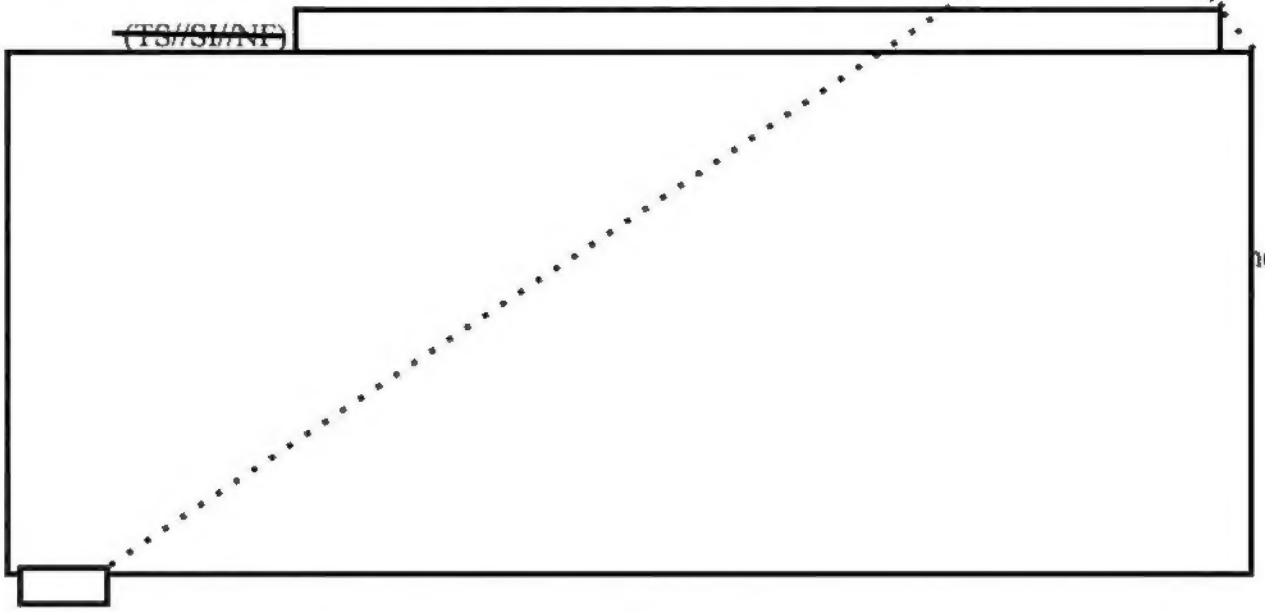
(b) (3)-P.L. 86-36

~~(TS//SI//NF)~~



(2) (U//~~FOUO~~) **Timeline:** Date(s) of incident:

(b) (3)-P.L. 86-36

Date(s) of incident reported in IRT: November 2017 and 23 February 2018

Date reported to DoD SIOO: 1 May 2018

(b) (1)
(b) (3)-P.L. 86-36

(3) (U//~~FOUO~~) **Reason for Report:** 50 U.S.C. Section 1861(b)(2)(C)(ii) limits data that can be sought (and therefore collected) to that pertaining to a "foreign power engaged in international terrorism or activities in preparation therefor, or an agent of a foreign power engaged in international terrorism or activities in preparation therefor." While NSA lawfully sought data pertaining to a foreign power engaged in international terrorism, produced inaccurate data and data beyond that which NSA sought.

(4) (U//~~FOUO~~) **Cause:** This incident occurred as a result of technical errors There was nothing in the substance of the CDRs that would have alerted NSA targeting analysts to this problem as the information was being collected. Rather, it was NSA technical analysts' observations of anomalies in certain CDRs that led them to investigate further

(5) (U//~~FOUO~~) **Impact on National Security or International Relations:** None.

(6) (U//~~FOUO~~) **Impact on Civil Liberties or Privacy:** The CLPT assesses that the incident had a significant impact on civil liberties and privacy. A determination was made to delete all the CDRs and any associated reporting. NSA began deleting all CDRs acquired under Title V of the FISA.

(7) ~~(TS//SI//NF)~~ **Remedial Action:** On 23 May 2018, NSA began deleting all call detail records (CDRs) acquired under Title V of the FISA. Because have informed NSA that the issue has been remediated, NSA believes that CDRs delivered after 23 May 2018 will not contain these errors. NSA has reviewed all intelligence reports based on USA FREEDOM Act CDR data and has recalled and reissued one report to correct erroneous

(b)(1)
(b)(3)-50 USC 3024(i)
(b)(3)-P.L. 86-36

information. In addition, NSA relied on the inaccurate information in targeting requests for [redacted] approved by the FISC, and notified the court of such.

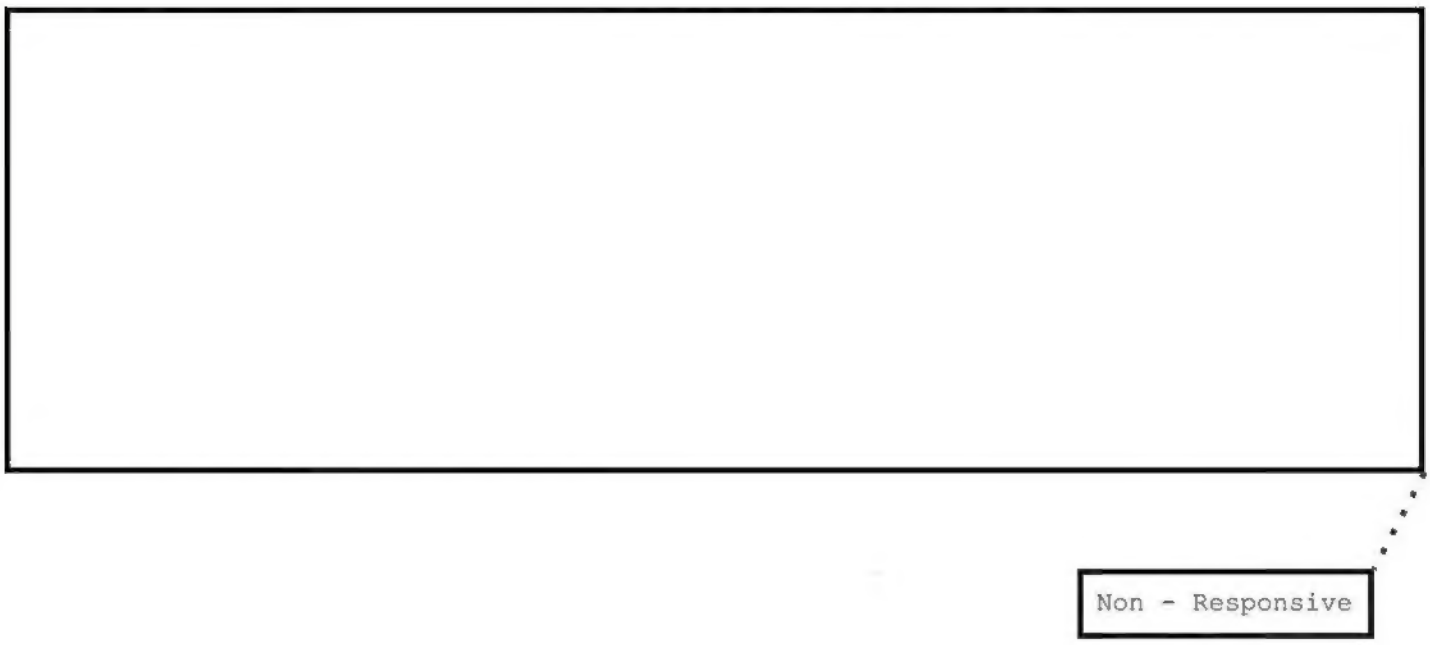
(8) (U) Additional Information: NSA notified the congressional intelligence committees of this incident on 10 April 2018. DoJ notified the FISC about the details of this matter as they became available on 22 November 2017, 5 March 2018, 11 April 2018, and 4 June 2018. This matter has also been reported to the Privacy and Civil Liberties Oversight Board (PCLOB). NSA also reported this matter publicly.

(9) (U) Status: Closed/substantiated.

Non - Responsive

[redacted]

Non - Responsive



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